

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

**DARRELL L. BRADLEY and
LATONYA PEGUES**

18-13868-JDW

OBJECTION TO CONFIRMATION

COMES NOW Locke D. Barkley, Chapter 13 Trustee, by and through counsel, and files this Objection to Confirmation (the "Objection") and in support states as follows:

1. The Debtors initiated this proceeding with the filing of a voluntary petition for relief on October 4, 2018. An amended Chapter 13 plan (Dkt. #24) (the "Plan") was filed on December 8, 2018.
2. The Debtors are below median income and have proposed a plan term of 60 months with no distribution to nonpriority unsecured creditors.
3. According to Schedules I and J (Dkt. #7) and Amended Schedule J (Dkt. #23) the Debtors' monthly net income is \$767.75, which is the minimum amount that should be paid by the Debtors into their bankruptcy case for the benefit of all creditors.
4. The Plan states the necessary plan payment will be \$750.00 per month; however, that calculation is incorrect. The correct calculation of the monthly plan payment is \$680.00.
5. The Plan does not provide for payment of all of the Debtors' projected disposable income to be paid into the Plan for the benefit of nonpriority unsecured claims as required by §1325(b)(1)(B).
6. The Plan payment must be set at the Debtors' monthly income, approximately \$760.00, and Section 5.1 amended to provide that nonpriority unsecured claims will be paid the funds remaining after disbursements have been made to all other creditors provided for in the Plan.

7. The Trustee requests that confirmation of the Plan be denied. Should the Debtor be delinquent in plan payments at the time of the hearing on this Objection, the Trustee also requests that the bankruptcy case be dismissed.

WHEREFORE, PREMISES CONSIDERED, Locke D. Barkley, Chapter 13 Trustee, prays that upon notice and hearing that this Court enter its order sustaining the Trustee's Objection and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: January 4, 2019

Respectfully submitted,
LOCKE D. BARKLEY, TRUSTEE

BY: /s/ W. Jeffrey Collier
W. JEFFREY COLLIER, ESQ.
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: January 4, 2019

/s/ W. Jeffrey Collier
W. JEFFREY COLLIER